

Letter and enclosure from Alexander Graham Bell to Samuel P. Langley, February 10, 1904

334 February 10, 1904. Professor S. P. Langley, Secretary of the Smithsonian Institution, Washington, D. C. Dear Professor Langley:

At the conclusion of my report to the Board of Regents of the Smithsonian Institution relating to the transfer of the remains of James Smithson to the United States, I say:

“In addition to the official permits required, special difficulties were encountered, which at first sight seemed insurmountable, but which were successfully overcome by the tact and ability of our Consul at Genoa” (Mr. William Henry Bishop).

I did not deem it advisable in my report to the Board to describe explicitly what these difficulties were, but I think it would be well for you, as the Secretary of the Smithsonian Institution, to know the nature of these difficulties and to have in your possession, copies of certain documents which I enclose herewith, as it is perfectly possible, judging from the correspondence that you have had in the past with the descendants of George Henry LaBatut that you may hear more of the matter: and you should be fully informed of what happened in Genoa.

On the 30th of December our Consul, Mr. Bishop, discovered that there was on file in the Mayor's office, a document which purported to be an injunction on behalf of George Henry LaBatut against the removal of Smithson's remains from Genca without his consent. The following is an extract: 2 335 as translated by the American Consul at Genoa:-

“That it being of importance to the petitioner to establish and maintain the identity of the remains of Mr. Smithson, his relative, with a view to those purposes and rights in the matter, which are properly his, he by the present instrument formally enjoins the said

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gentlemen, the English Consul and the Mayor of Genoa, the latter as representative of the Municipal Administration, in so far as it may have authority and jurisdiction in the matter, against ordering, or permitting the remains of the said Mr. James Smithson to be disinterred by any persons whatever or for any reasons whatsoever from the said tomb and cemetery where they have rested ever since the epoch of the decease, without the express consent in writing of Mr. Labatut, whose signature must, as an essential condition, be countersigned by Mr. Guilloteaux, failing which the remains themselves cannot for any reason or by any person whatsoever be taken away or transported from the place where they now actually are, at the risk of the penalties provided under the right of possession and proprietorship, and all the other legitimate consequences, including that of making compensation for the damages and expenses, for all of which protest is made.

And in order that the said gentlemen, the English Consul and the Mayor of Genoa, cannot allege ignorance of all and as much as is above set forth I have given and consigned to each of them separately, a copy of this instrument” etc.

This document was signed G. B. Cadebo, Constable; and dated at Genoa, March 11, 1879.

Our Consul Mr. Bishop pointed out the fact that George Henry LaBatut was long since dead — that the cemetery had been expropriated compelling the removal of the remains and that the document was not a legal document, in that it contained erasures and changes of phraseology, and that in some parts words had been written over other words so that the original words could not be made out.

The Municipal authorities acknowledged this and determined to leave the matter to the British Consul — Smithson 3 336 being a British subject, and the petitioner having stated that he had given and consigned a copy of the injunction to the English Consul. Mr. Marengo, an official of the Municipal Department, then carried the protest to the British Consul-General, Mr. William Keene, with the request that he examine it and state whether

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there was any objection on his part to the removal of the remains. Mr. Keene had a search made of the records in the British Consulate at Genoa but was unable to find a copy of the protest on file there, or any record of objections to the removal. He thereupon wrote a certificate for the Municipal Bureau of Hygiene to the following effect:

Gratis "Colsulate General of Great Britain Genoa, December 30, 1903.

There is not known on the part of this Royal Consulate General any reason why the representatives of the late Mr. Smithson, deceased in the year 1829, should not remove his body from the cemetery of San Benigno, which has been expropriated.

(Signed) William Keene Consul-General. SEAL. (In my report to the Board of Regents I quoted this certificate, Appendix C, and you have in your possession a copy in Italian and English, made by our Consul Mr. Bishop). The above certificate was delivered at the Municipal Bureau of Hygiene and our Consul Mr. Bishop stated that I was the representative of the late Mr. Smithson — whereupon permission was given to have the remains exhumed.

4

337 Since my departure from Genoa Mr. Bishop applied to the Mayor of Genoa for permission to have a facsimilie copy made of the injunction which was done by Signor Marengo an employe of the Bureau of Hygiene. I enclose this copy to you together with a translation of the document made by Mr. Bishop.

Mr. Keene, the British Consul-General directed our attention to the fact that the following notice had been publicly given to the representatives of deceased persons buried in the cemetery of San Benigno, and published in many newspapers on the 25th of November 1903:

"NOTICE is hereby given to all whom it may concern, and with whom it has been found impossible to communicate privately, owing to addresses being unknown, that the OLD

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BRITISH CEMETERY at SAN BENIGNO, GENOA, has been EXPROPRIATED by the ITALIAN AUTHORITIES, and will soon be demolished.

The remains of all persons buried there will shortly be removed to the new British Cemetery, unless otherwise desired by the representatives of the deceased.

Any communication on this subject should be addressed before January 1st, 1904, to NOEL LEES Msgr., care of H. B. M's Consul-General, Genoa, from whom full particulars can be obtained."

I enclose a copy of this notice from the London Times of November 25, 1903, and I was informed by Mr. Keene that it also appeared on the same day in the Daily News. Morning Post, Telegraph, and Gazette of London, England, and in other papers.

The body of James Smithson was exhumed by the authorities of the British Burial Ground at San Benigno, Genoa, on December 31, 1903, and then handed over to me on the same day in the mortuary chapel of the cemetery.

I enclose an extract from a letter sent to me by Mr. Bishop, American Consul at Genoa, relating to the protest. (Over)

Yours sincerely, Alexander Graham Bell

5

338 P. S. The following enclosures accompany this letter:-

1. Extract from letter of Mr. Bishop, American Consul at Genoa, dated January 20, 1904.
2. A portion of the London Times of Wednesday, November 25, 1903, containing the notice to the representatives of deceased persons buried at San Benigno.

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3. Copy of protest on file in the Bureau of Hygiene Mayor's Office, Genoa, together with memorandum concerning it made by Mr. Bishop.

4. A translation of the protest made by Mr. Bishop.

339 Extract from letter to Dr. Graham Bell, signed by William Henry Bishop, American Consul at Genoa, Italy, and dated January 20th, 1904.

"I am enclosing to you herein a copy of the famous restrainer, or injunction, with my translation into English. Our friend the employe at the Municipio was not allowed to make is without a permit from the Mayor; so I formally applied for such permission and then he was allowed to go ahead. I told him to draft it, imitating as well as he could the erasures, superposed writing &c, and he has done so. You will see that I have noted these also in my translation. It is a queer sort of document in a variety of ways. Among others note the geography. It locates the Italian Consular Agent at Lorient (Alsace Lorraine , sic). But Lorient is in the extreme west of France, in Morbihan, this must be the one, because it is close to where G. H. LaBatut lived, and I am sure there is no other. Furthermore there is no such province in France as Alsace-Lorraine (this document dating from 1879). The territory is German and consists of two provinces of Elrass and Lotharinges. Furthermore an Italian Consular Agent living there wouldn't be likely to be having much to do with the affairs of a citizen of the remote west of France.

The argument or gist of the paper of course is, that George Henry LaBatut, by means of a Power of Attorney, before the Notary Sorin, deputed Guilloteaux, the Italian Consular Agent to request the Constable Cadebo, at Genoa, to serve the injunction on the British Consul and the Mayor.

2

340 I drew out of the Chief of the Bureau of Hygiene incidentally how it was that they were so quick and able to produce the document. It appears that it was all due to he himself

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having been head of the office for forty years, and having a good memory. The filing of the paper had made an impression on him; very likely it was the only document of the kind in the office. I would guarantee them not to be so expeditious about ordinary affairs. This Chief is to retire on his pension in a few months; and if he had not been in office, he says, nobody else would have known anything about the paper” etc.